

The Gazette



of India

सत्यमेव जयते

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NEW DELHI, SATURDAY, FEBRUARY 18, 1950

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 13th February 1950 :—

S. No.	No. and Date	Issued by	Subject
1	No. 1(9)-ITC/50, dated the 9th February 1950.	Ministry of Commerce	Income-tax Verification Certificate—Registration of Scheme for the first half of 1950 for the purpose of import/export licensing.
	No. 1(10)-ITC/50, dated the 9th February 1950.	Ditto	Principles governing the issue of Import Licences for the period January-June 1950—Non-ferrous Metal Items.
2	No. 5(57) B/50, dated the 10th February 1950.	Ministry of Finance	Repayment of the 4½ per cent. Rupee Loan, 1950-55, issued as counterpart of the 4½ per cent. Sterling Loan, 1950-55.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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PART I—Section 1

Government of India Notifications relating to Rules, Regulations and Orders and Resolutions (other than the Ministry of Defence)

MINISTRY OF HOME AFFAIRS

New Delhi, the 8th February 1950

No. 9/6/50-Police (I).—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt Nepalese Guard coming to Delhi in advance in connection with His Highness the Maharaja of Nepal's visit to Delhi

from the operation of the prohibitions and directions contained in section 6 of the said Act in respect of forty-two 303 bore short Lee Enfield rifles with eight hundred and fifty cartridges and two 38 bore pistols with fifty cartridges.

2. This exemption will be valid for a period of two months from the date of the issue of this notification

New Delhi, the 18th February 1950

No. 9/91/49-Police(I).—In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely:—

In the said Rules—

In clause (c) of sub-rule (1) of rule 89, and in column 1 of entry 11(c) of Schedule VI, for words "the Military Governor of Hyderabad" the following shall be substituted, namely:—

"the Chief Secretary to the Government of Hyderabad."

No. 9/133/49-Police (I).—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Arms Rules, 1924, namely:—

In the table set forth in Schedule II to the said Rules after entry 9, the following entry shall be inserted, namely:—

"10. Bilaspur (Simla Hills)	(1) Swords other than sword sticks. The term 'sword-stick' includes any pointed or bladed weapon sheathed in such a manner that its real nature may be presumed to be intended to be disguised. It is immaterial whether the sheath completely disguises the presence of the blade or not.	All
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(2) Spears or 'Barchhas on'

"All"

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 11th February 1950

No. 12.—In exercise of the powers conferred by section 28 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that the goods of the description specified in the second column of the Schedule hereto annexed shall, when imported into any part of India, other than a Part B State, be exempt from so much of the customs duty leviable thereon as is specified in the third column of the said Schedule:—

SCHEDULE

Serial No.	Nature of article	Extent of exemption
1.	Windrow Pickup and Windrowers	The whole.
2.	Rotary Hoes; Mowers; Planters.	
3.	Root Rakes.	
4.	Tree Dozers.	
5.	Tree Stumpers.	
6.	Land Clearing Blades.	
7.	Outaway Plowing Horrows.	
8.	Outaway Discs	

No. 13.—In exercise of the powers conferred by section 28 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues), No. 88-Customs, dated the 22nd June 1935, namely:—

In Schedule I annexed to the said notification, in column 2 against Serial No. 8, after the entry "by the General

Manager, Overseas Communications Service, Government of India, if the apparatus is imported for Overseas Communications Service", the following entry shall be inserted, namely:—

"by the Director General of Civil Aviation in India, if the apparatus is imported for Aeronautical Communication Service".

A. N. PURI, Dy. Secy.

INCOME-TAX

New Delhi, the 18th February 1950

No. 23.—The Central Government is pleased to direct that the following further amendment shall be made in the list appended to the notification of the Government of India in the Finance Department (Revenue Division) No. 84-Income-tax, dated the 23rd November 1946 namely:—

In the said list under the sub-head "Scientific and Industrial Research Associations" after entry No. 12, the following entry shall be inserted, namely:—

12-A. Silk and Art Silk Mills Research Association, Bombay.

No. 24.—It is notified for general information that the Central Government are pleased to approve the institutions mentioned below for the purposes of sub-section (I) of Section 15-B of the Indian Income-tax Act, 1922 (XI of 1922):—

Delhi.

846. Delhi College, Delhi.

847. Miranda House (University College for Women), Delhi.

PYARE LAL, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 1st February 1950

No. 20.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its notification No. 82-Income-tax, dated the 9th November 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, Surat Range, shall also and the Appellate Assistant Commissioner of Income-tax, Baroda Range, shall not perform his functions in respect of the persons specified in column 2 of the Schedule hereto annexed for the appeals for the assessment years mentioned in the corresponding entry of column 3 thereof:—

SCHEDULE

S. No.	Name of assessee with address	Assessment year (Baroda Financial year August to July)
1	2	3
	1. The Baroda Spinning & Weaving Co. Ltd., Baroda.	1948-49
	2. Raj Ratna Naranbhai Mills Co. Ltd., Petlad	1948-49
	3. Messrs. The Bharat Vijay Mills Ltd., Kalol	1948-49
	4. Shree Sayaji Mills Co. Ltd., Baroda.	1948-49
	5. Messrs. Vadilal Lalubhai & Co. Ltd., Baroda	1948-49
	6. Messrs. Vadilal Lalubhai & Co., Baroda.	1948-49
	7. Messrs. Chinubhai & Brothers Ltd., Kathawada, Taluka-Dehgam.	1948-49
	8. Mafatlal Fine Spinning and Mfg. Co. Ltd., Navsari.	1947-48
	9. Ditto	1948-49
	10. Shah Maneklal Sevaklal, Padra.	1946-47

Sr. No.	Name of the assessee with address	Assessment year (Baroda Financial year August to July)
11.	Lalbhai Manilal's Co., Padra.	1947-48
12.	The Petlad Bulakhidas Mills Co. Ltd., Petlad	1948-49.
13.	Raj Ratna Girdharlal Dosabhai Parikh, Baroda	1948-49.
14.	O. V. Mehta Ltd., Kathawada, Taluka-Dahgam	1948-49
15.	Sheth Haridas Acharatlal, Baroda	1948-49
16.	Sheth Nandas Haridas, Baroda	1948-49
17.	Sheth Charandas Haridas, Baroda	1948-49
18.	Sheth Chinubhai Haridas, Baroda	1948-49
19.	Messrs. Haridas Acharatlal, Baroda	1948-49
20.	Shree Yamuna Mills Co., Ltd., Baroda.	1948-49
21.	Patel Chhotalal Bawajibhai, Ahmedabad	1948-49
22.	The Keshav Mills Ltd., Petlad	1948-49
23.	The New Chhotalal Mills, Kadi	1948-49
24.	The Chhotalal Mills, Kalol	1948-49
25.	Bai Kapurben Pitambardas—widow of Fulchand Vamsaldas, Kundala, Taluka Bhavnagar	1945-46
26.	B. Lalbhai Amin & Sons Ltd., Baroda	1947-48
27.	Messrs. Rustamji Mangaldas & Co., Kalol	1948-49
28.	Mohanlal Bapalal, Ahmedabad	1948-49
29.	Messrs. Chinubhai Brothara, Kathawada, Taluka-Dahgam	1948-49
30.	Messrs. Chhotalal Ranchhodas, Dharma, Taluka Petlad	1948-49
31.	Maneklal Ambalal, Petlad	1948-49
32.	The Petlad Turkey Red Dye Works, Petlad	1948-49
33.	Parikh Nathalal Narottamdas, Petlad	1948-49
34.	Chandulal Keshavlal, Petlad	1948-49
35.	The Jagdish Mills, Baroda	1948-49
36.	Vohra Akabarali Abdulali, Dehgamwala, Sidhpur	1947-48
37.	Do.	1946-47
38.	Vohra Mahmodali Abdulali, Dehgamwala, Sidhpur	1947-48
39.	Do.	1946-47
40.	Samsudin Jivaji, Sidhpur	1947-48
41.	Do.	1946-47

New Delhi, the 11th February 1950

No. 21.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its Notification No. 32-Income-tax, dated the 9th November 1946, the Central Board of Revenue directs that the Additional Appellate Assistant Commissioner of Income-tax, Patna shall and the Additional Appellate Assistant Commissioner of Income-tax, Bhagalpur shall not perform his functions in respect of Messrs. Bajjnath Srilal of Nathnagar, District Bhagalpur for their Income-tax appeal pertaining to the assessment for the year 1947-48.

New Delhi, the 18th February 1950

No. 22.—In exercise of the powers conferred by Sub-section (1) of Section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue direct that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the Assessment Form appended to Rule 20 of the said Rules,—

(1) In part I in the heading to the third and the fourth columns, after the word figures and letter 'Section

18A' the words, figures and letter 'and Section 28 B' shall be inserted.

(2) In part II after item (h), the following items shall be inserted, namely:—

(i) Donations to Charitable Institutions and Funds.

(ii) Profits or gains derived from newly established industrial undertaking(s).

(8) In Part III—

(i) after the entry "Additional super-tax payable by a company on Rs.....," the entry "Additional incometax payable by an Indian company in respect of dividends" shall be inserted.

(ii) after the entry "Tax paid in Mysore State, Civil and Military Station, Bangalore or in an administered area" the following entries shall be inserted, namely:—

"Rebate of income-tax payable to an Indian Company in respect of undistributed profits of Rs.....Rebate of super-tax at the rate of annas per rupee of the total income", and

(iii) after the entry "Amount paid under Section 18A" the entry "Amount paid under Section 28B" shall be inserted.

PYARE LAL, Secy.

CUSTOMS

New Delhi, the 11th February 1950

No. 11.—In pursuance of sub-section (1) of section 9 of the Land Customs Act, 1924 (XIX of 1924), read with section 182 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue is pleased to direct that the following amendment shall be made in its notification No. 80-Customs, dated the 2nd April 1949, namely:—

For clause (1) of the said notification, the following clause shall be substituted, namely:—

"(1) the Collectors of Land Customs, Delhi, Calcutta and Shillong, the Deputy Collector of the Collectorate of Central Excise, Shillong, the Assistant Collectors of Central Excise in charge of Land Customs, Calcutta, and the Assistant Collectors of Central Excise, Amritsar, Kalimpong, Patna, Shillong and Jorhat shall exercise the power to adjudge confiscation and to impose penalties without limit under clause (a) of section 182 of the Sea Customs Act."

A. N. PURI, Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 7th February 1950

No. I(1)-4(20).—In exercise of the powers conferred by clause (b) of section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the power to make orders under clause (d) of sub-section (2) of section 3 of the said Act shall, in relation to the use of iron and steel in the construction of buildings, be exercisable also by the Government of Madras.

N. R. REDDY, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 10th February 1950

No. F. 12-15/49-PH. II.—In exercise of the powers conferred by clause (iii) of rule 10 of the Indian Aircraft (Public Health) Rules, 1946, the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Health, No. F. 8-1/46-PH.(II), dated the 28th February 1948, namely:—

In the said Notification, after item 8, the following item shall be added, namely:—

"9. The Government of Switzerland."

P. S. DORASWAMI, Under Secy.

New Delhi, the 13th February 1950

No. F.1-2/47-D.—In exercise of the powers conferred by Section 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said section, namely:—

In Schedule K to the said Rules, after item 2, the following item shall be inserted, namely:—

"2A. Quinine and other anti-malarial drugs.

Persons selling the drugs by retail under arrangements made by State Governments for sale and distribution of the drugs, will be exempted from the requirement to take out licences for retail sale under clause (c) of Section 18 of the Act."

J. N. SAKSENA, Under Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 7th February 1950

No. F. 5-52/49-Co.—The following draft of certain further amendments in the Edible Oils Grading and Marking Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th March 1950.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendments

A—In the said rules—

(1) In rule 2, for the words and numbers "Schedules I—III", the words and numbers "Schedules I—III-A" shall be substituted.

(2) In rule 3, after the words and numbers "Schedules I—III" the following shall be inserted, namely:—

"and columns 2 to 9 of schedule III-A".

B—In the Schedules to the said rules—

(1) after Schedule III, the following Schedule shall be inserted, namely:—

SCHEDULE III-A.

Grade Designation and Definition of Quality for Coconut Oil (See Rules 2 and 3).

Grade designation.	Physical and chemical characteristics.							Description and appearance
	Colour	Refractive index at 40°C	Specific gravity at 40°C/30°C.	Unsaponifiable matter	Acid value	Saponification value	Iodine value	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Refined	Not deeper than 1 Y and 2 R in 1" cell on Lovibond Tintometer scale.	1.4480 to 1.4492	0.909 to 0.913	Not higher than 0.5 per cent.	Not higher than 0.5	Not lower than 250.	7.5 to 9.5	The oil shall be the genuine refined product obtained by expression from the kernel of the coconut, i.e. copra and shall be free from admixture with other oils or fats. It shall be clear and free from sediment and suspended matter.
Grade I	Not deeper than a combination of 1.5 Y and .5 R in 1" cell on Lovibond Tintometer scale.	1.4480 to 1.4492	0.909 to 0.913	Not higher than 0.5 per cent.	Not higher than 2.0	Not lower than 250.	7.5 to 9.5	The oil shall be the genuine product obtained by expression from the kernel of the coconut i.e. copra and shall be free from admixture with other oils or fats. It shall be clear and free from sediment and suspended matter. It shall have a sweet taste and characteristic odour of coconut oil.
Grade II	Not deeper than a combination of 5 Y and 1.2 R in 1" cell on Lovibond Tintometer scale.	1.4480 to 1.4492	0.909 to 0.913	Not higher than 0.8 per cent.	Not higher than 4.0	Not lower than 250.	7.5 to 9.5	The oil shall be the genuine product obtained by expression from the kernel of the coconut, i.e. copra and shall be free from admixture with other oils or fats. It shall be clear from sediment and suspended matter. It shall have a sweet taste and characteristic odour of coconut oil.
Commercial A	...	1.4480 to 1.4492	0.909 to 0.913	Not higher than 0.8 per cent.	Not higher than 6.0	Not lower than 250.	7.5 to 9.5	The oil shall be the genuine product obtained by expression of extraction from the kernel of the coconut i.e. copra and shall be free from admixture with other oils or fats. It shall also be reasonably free from sediment and suspended matter.
Commercial B	...	1.4480 to 1.4492	0.909 to 0.913	Not higher than 0.8 per cent.	Not higher than 10.	Not lower than 250.	7.5 to 9.5	The oil shall be the genuine product obtained by expression or extraction from the kernel of the coconut, i.e. copra and shall be free from admixture with other oils or fats. It shall also be reasonably free from sediment and suspended matter.

(2) In the Schedule IV, after item (d), the following item shall be added, namely:—

(e) Grade designation marks for tins of coconut oil (edible)

Grade designation

Design of the label

Colour of the label

Grade designation

Design of the label

Colour of the label

Refined



White

Commercial A



Yellow

Commercial B



Green

S. R. MAINI, Dy. Secy.—

New Delhi, the 10th February 1950

No. F. 5-7/50-Comm.—In pursuance of the provisions of sub-section (q) of section 4 of the Indian Oilseeds Committee Act (IX of 1946), the Federation of Rural Peoples Organisation, New Delhi have re-nominated Prof. N. G. Ranga, M.P. as a member of the Indian Central Oilseeds Committee.

A. N. BERY, Under Secy.

New Delhi, the 18th February 1950

No. 2-VP(2)/50.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in Vegetable Oil Products Control Order, 1947, namely:—

In sub-clause (1) of Clause 4 of the said order, for the word 'producer' the word 'person' shall be substituted.

N. T. MONE, Joint Secy.

MINISTRY OF EDUCATION

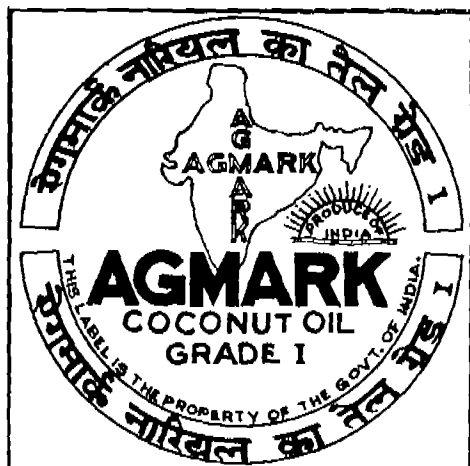
ARCHAEOLOGY

New Delhi, the 8th February 1950

No. D.5400/49-A.2. Corrigendum.—In the Ministry of Education Notification No. D.5400/49-A 2, dated the 15th December 1949, published at page 1745 of the *Gazette of India*, Part I, Section 1, dated the 24th December 1949, in item 2 of Schedule I for the word "KEELAKUIL (Inam)" read "KEELAKUILKUDI (Inam)".

RAM LAL, Under Secy.

Grade I



Red

Grade II



Blue

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 7th February 1950

No. PHA-20-40/49.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), and in supersession of the notification No. PHA-20-40/49 of the Government of India in the Ministry of Communications, dated the 19th December 1949, the Central Government is pleased to direct that the following amendments shall be made in the Indian Telegraph Rules, 1982, namely:—

In the said rules,—

(1) in item (ii) of sub-rule (1) of rule 452, the entry "Baroda City" shall be inserted at the commencement;

(2) after rule 475A the following rule shall be inserted, namely:—

"475B. Rules 435 to 438, 451 to 457A, 462 to 464, 466 to 468 and 471 to 474 shall not, except as otherwise expressly provided in any such rule, apply to the following telephone systems previously owned by the respective State Governments and now taken over by the Central Government:—

Baroda
Bhopal
Kolhapur
Rampur
Tehri Garhwal."

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 7th February 1950

No. LR-2(271)-I.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the All-India Industrial Tribunal (Bank Disputes) in the matter of alleged victimisation, wrongful dismissals, etc., in respect of Banking Companies in the Uttar Pradesh.

BEFORE THE ALL-INDIA INDUSTRIAL TRIBUNAL
(BANK DISPUTES), BOMBAY

ADJUDICATION

BETWEEN

Central Bank of India, Limited,
United Commercial Bank, Limited,
Calcutta National Bank, Limited,
Punjab National Bank, Limited,
Allahabad Bank, Limited,
Central Calcutta Bank, Limited,
Bharat Bank, Limited,
Hindustan Commercial Bank, Limited,

AND

Their Workmen.

In the matter of alleged victimisation, wrongful dismissal,
etc., in the United Provinces.

Appearances:

Mr. B. N. Khanna, Advocate, with Mr. H. C. Captain,
for the Central Bank of India, Ltd.
Mr. D. R. Patney, for the United Commercial Bank, Ltd.
Mr. B. N. Khanna, Advocate, with Mr. Mitra, for the
Calcutta National Bank, Ltd.
Mr. R. N. Seth, for the Punjab National Bank, Ltd., and
the Bharat Bank, Ltd.
Mr. B. N. Khanna, Advocate, for the Allahabad Bank,
Ltd., and the Hindustan Commercial Bank, Ltd.
Messrs. J. N. Mehrotra, K. C. Gupta, A. C. Kakar,
Harmangal Prasad, S. D. Misra, Padamchand,
K. N. Mehrotra, Hukumchand and R. M. Tandon,
for the U. P. Bank Employees Union.
Mr. H. K. Ghosh, Advocate, for Mr. Gopal Lal Sah of
the Imperial Bank of India.

AWARD

The cases dealt with in this Award were heard at Lucknow from the 20th December 1949 to the 24th December 1949.

Central Bank of India, Ltd.—

There were five cases in none of which any order is called for. In the case of *Tapeshwari Prasad* no materials having been furnished, Mr. Mehrotra on behalf of the U. P. Bank Employees Union did not press this case, and in two other cases, *vis.*, those of *Balkrishna Aurora* and *Ram Autar*, the dismissals took place after the 18th June 1949. In the case of *Kadam Singh*, Chowkidar, the demand has been withdrawn, which was also done in the case of *K. S. Srivastava*, on his dues being paid by the Bank.

United Commercial Bank, Ltd.—

The two cases of *Nanhey*, Chowkidar and *D. L. Kulshrestha* are cases of wrongful transfer and dismissal which admittedly took place after the 13th June 1949 and, the Tribunal, therefore, is not competent to make and does not make any order.

The two cases of *Lalu Singh* and *Rama Nath*, who were chowkidars of the Kanpur branch of the Bank, are taken up together. *Lalu Singh* was appointed on 9th July 1945 and *Rama Nath* on 14th March 1945. They were dismissed on the 21st February 1949 after payment of a month's salary in lieu of notice. The Bank's case against these two persons is as follows. *Rama Nath* left the station and absented himself without permission in August 1948 for four days. He arranged with *Lalu Singh* to get him marked present in the Attendance Register. When this fact came to the knowledge of the Manager he made enquiries from *Lalu Singh* but he made a false statement that *Rama Nath* had been on duty. *Balak Ram*, another Chowkidar, stated that *Rama Nath* had left the station on the 6th August 1948 and his statement was corroborated by the *Jamadar* and other peons. The Bank was satisfied on enquiry and decided to dismiss both of them for their irresponsible and dishonest conduct, but it could not do so on account of the limitations imposed by the U. P. Government by the Labour Department Orders, No. 4692-(S.T.)/XVIII-142(S.T.)-1948, dated 31st July 1948 and No. 5890(S.T.)/XVIII-142(S.T.)-1948, dated 28th September 1948, under which no Bank employee in the U. P. could be dismissed or discharged without the express permission in writing of the Labour Commissioner. The matter came up before the Labour Commissioner and his Inspector warned them and requested the Bank authorities to keep them in service. The Bank could not agree and, therefore, the General Manager Mr. Thakur discussed the matter with the Labour Commissioner on the 19th February 1949 and the latter accorded permission. No document showing any express permission in writing has been produced but a letter written on behalf of the Labour Commissioner being letter No. 4882, dated 7th March 1949, has been produced by the Bank which states that permission for the dismissal of these people had already been accorded. The letter does not show that any such permission was accorded in writing. The Bank in its statement, while referring to the said U. P. Labour Department order, did not indicate that "express permission in writing" was required. It merely mentioned that the permission of the Labour Commissioner was duly obtained. The statement obviously was a misleading one and on being questioned Mr. Patney for the Bank expressed his regret for the omission due to carelessness. We cannot but strongly condemn this kind of carelessness but we are unable at the same time to hold that it shows any *mala fide* intention. The letter No. 4882, dated 7th March 1949 by itself does not satisfy the requirement of the aforesaid Government orders and we must hold, in the absence of the production of any writing, that no express permission in writing was given and that the said orders have been contravened. The aforesaid orders regarding discharge or dismissal were, however, cancelled by the Labour Department Order, No. 1912(S.T.)/XVIII-142(S.T.)-48, dated 18th April 1949. As on the merits of the case we feel that these are not cases of victimisation but of a mere technical breach of the Government orders, and that the two employees in question were fully aware of the charges

against them and were given an opportunity to explain their conduct, we think that the ends of justice would be met if the Bank only pays the salary of these two men upto the 18th April 1949, viz., the date of the publication of the said order, and we direct accordingly. The amount should be paid within a month of the publication of this award.

Calcutta National Bank, Ltd.—

K. B. L. Saxena of the Lucknow Branch:

This is a case of alleged wrongful dismissal which was pending before the Provincial Adjudicator and was referred to this Tribunal by the Central Government's Order No. LR-2(288)/11, dated 12th October 1949. He was employed on 1st September 1943 as an apprentice and on the 1st of January 1947 his salary was Rs. 80 per month, his post being that of a Sub-Accountant. By its letter dated 19th May 1947 the Bank informed him that in accordance with the award of the Labour Commissioner (Mr. B. B. Singh) his salary was fixed at Rs. 60 plus Rs. 20 (D. A.) with effect from 15th March 1947. This letter was addressed to him as K. B. Lal, Saxena, Assistant, Aminabad branch. By his letter dated 30th May 1947 he expressed surprise at the change of his designation and enquired if it was a clerical mistake. No reply was sent to this letter but an order was made on 19th June 1947 for his transfer from Lucknow to the Central Office at Calcutta with effect from 7th July 1947. This letter was received by him on 26th June 1947. He was arranging to go but fell ill and absented himself from the Lucknow Office on the 2nd, 3rd and 4th of July. He attended on the 5th July but again fell ill and on 6th July 1947 he applied with a medical certificate for one month's privilege leave on the ground of illness. The medical certificate shows he was suffering from bronchitis with fever and cough and therefore it was not possible for him to join on the 7th of July at Calcutta. The leave was not granted and the Bank terminated his services on the 19th July 1947 with effect from 7th July 1947 for failure to comply with the order asking him to join the Central Office. He is an active member of the Union and it is urged that he has been victimised on account of his Union activities. He claims reinstatement as well as salary from 1st July 1947 to 7th July 1947 with dearness allowance, six months' salary from the date of his dismissal at Rs. 120 per month and Rs. 800 towards his pension. On behalf of the Bank it was denied that any leave application as alleged by him was received, but when the acknowledgment receipt was produced, it was admitted that the application had been received and forwarded to the Head Office for orders. The Bank in its statement states various reasons for his dismissal and some of them are that he is a troublesome element and not loyal, that he made bogus entries in a register, and that his work was unsatisfactory; but in the letter of dismissal from the Bank only his failure to comply with the Head Office order asking him to report for duty at Calcutta is shown as the cause of his dismissal. It does not appear whether the Bank took any pains to enquire into the correctness of his allegation of illness which was supported by the certificate of a doctor. The argument of the Bank that he did not take any steps after his dismissal and as such he had no complaint is disproved by the representations made by him on the 4th and 6th August 1947 to the Labour Commissioner complaining about his dismissal. In its letter to the Labour Commissioner on the 11th September 1947 the Bank stated that from reports received from private sources the Head Office of the Bank began to suspect that he was a person who should not be retained in the service of a Bank. From this reply alone it is clear that the real cause of his dismissal was not what was alleged in the letter of the 19th July but something else; it was probably his union activities. It does not appear that Saxena was told anything about the alleged reports or the reasons for the Bank's suspicion about his loyalty, etc. In the circumstances we think that this should be regarded as a case of victimisation. We, therefore, direct his reinstatement and payment of his salary at Rs. 60 for the period from 1st July 1947 to 7th July 1947 (plus dearness allowance at Rs. 20 per month) and for the next six months. We further direct that such payment as well as reinstatement shall be made within a month from the date of the publication of this award.

Punjab National Bank, Ltd.—

S. S. Katyayani of the Gorakhpur Branch:

The case is withdrawn on the Bank's undertaking to consider his claim sympathetically.

Shanti Swarup Jain of the Shahjahanpur Branch:

His case is that he fell ill in January 1949 and applied for leave on medical grounds. He was asked to join duty on 21st March 1949 but on account of the state of his health he could not join and he explained his inability to the Bank. He did not get any reply. When he became fit on the 19th of July 1949 he wanted to join but he was not allowed to do so. The Bank's case is that he joined as a probationer in 1946, that his work was unsatisfactory, that even after the period of probation of 12 months was over he was given six months more to improve but that he did not and that therefore his services were terminated by giving one month's notice. He brought this matter before the Labour Commissioner and the Bank agreed to re-employ him and pay him three months' salary by way of relief and he was re-employed. On 6th November 1948 he was posted at Shahjahanpur. He did not join but applied from time to time for leave. He was absent from his work for six months and out of which for four months he submitted no application for leave; and when he wanted to join in July 1949 the Bank refused to allow him to join. He made a representation to the District Manager, Eastern Circle, who permitted him to join at Shahjahanpur but he did not join there. He is working at present in S. S. Vidyalaya, Hathras. He was asked again by the Manager on 4th October 1949 and 15th October 1949 to join within a fortnight but he did not do so. It seems clear that this is not a case of victimisation and no order need be made.

Munshi Lal, Chowkidar, Aligarh Branch:

His services were terminated after 13th June 1949. We, therefore, make no order.

Binayak Pershad:

He was an accountant at the Arrah branch. He joined service on the 30th August 1928. His complaint is that on 1st July 1948 he was made to retire. His age is 55 but he claims that he is still fit for work. He represented his case to the Head Office and to the Labour Commissioner but did not get any relief. The Bank has granted him three months' salary as gratuity. Mr. Mehrotra admits that this is not a case of victimisation and, therefore, no order need be made.

C. P. Misra of the Gorakhpur Branch:

He is a Daftary. Mr. Mehrotra admits that this is not a case of victimisation. There is, therefore, no need to make any order.

Ram Vilas Misra:

He is a Brahmin peon who complains he was asked to wash 'jhutha pots' in contravention of the terms of his service. The Bank having agreed to settle the matter, no order is now asked for.

Allahabad Bank, Ltd.—

Badri Narain Misra of the Gorakhpur Branch:

His complaint was about his demotion and non-confirmation. By his letter dated 14th December 1949 he withdrew his complaint and did not press his case before us. No order need therefore be made.

Viswanath Upadhyaya of the Faizabad Branch:

He was working at Faizabad for 4 years as clerk-in-charge. In August 1948 he was promoted to the grade of supervisors and got the higher grade salary with retrospective effect from 1st January 1947 in the scale recommended in the award of Mr. B. B. Singh, viz., Rs. 120—8—200—10—300. The provident fund deduction was made on the salary of that grade. In June last he was informed that he was to get a salary as an ordinary clerk and for two months was so paid. It is contended on his behalf that having regard to the terms of the said award he should have been confirmed in the grade mentioned above. On behalf of the Bank it is said that clerks-in-charge are not head clerks or supervisors or departmental in-charges and as such not entitled to the scale of pay recommended by Mr. B. B. Singh, that having regard to the fact that

the position of a clerk-in-charge had not been decided by any Tribunal, the Bank agreed to place such clerks on the special scale at the suggestion of the Labour Commissioner and that therefore it became necessary to reorganise the cadre of such clerks and fill the appointments with more senior employees. He was, therefore, granted an officiating allowance representing the difference between his basic salary and dearness allowance and the minimum of the special grade with effect from 1st January 1947. In June he was replaced by a more senior clerk in the post but he was paid the salary of the special grade by mistake; rectification was made and Bank did not ask for a refund. It has been pointed out on his behalf that his salary upto May 1949 was Rs. 136 and by reason of the reversion he is getting only Rs. 88, and that there are cases in which persons junior to him and getting lower salaries were put in the special grade of Rs. 120. This is not disputed by the Bank, and no reason has been assigned by the Bank for this anomaly. The argument advanced on behalf of the Bank that seniors were given priority, therefore, does not appear to have substance, and in the circumstances we see no reason why this employee should not continue to get the salary of the senior grade as he was getting before. We, therefore, direct that he should be given the special grade salary and be confirmed in that grade with effect from the time when the alleged rectification was made. The reinstatement should be made and the amount due to him should be paid within a month of this award becoming effective. In making this order we do not decide at this stage what the status of the clerks-in-charge should be in this establishment.

Jiyalal Sharma of the Meerut Branch:

He has put in 23 years' service and his salary was Rs. 160 plus dearness allowance Rs. 40 per month. On 15th March 1947 he was working as a head clerk at the Hathras Sub-Agency, and under the Award of Mr. B. B. Singh he was entitled to be put in the departmental in-charge's grade, that is, Rs. 120-8-200-10-300. The Bank states that on account of his reported unsuitability for the post it was decided to replace him and arrangements were made on 13th February 1947 for his transfer to Meerut as an ordinary clerk; and that he was in fact relieved on 19th March 1947 from the Hathras Sub-Agency. His case came up for consideration before this Tribunal on 20th September 1949 at Delhi and it appears from the minutes of the Tribunal that this was then considered to be not a case of victimisation. This case is similar to the case of Viswanath Upathyaya and for reasons similar to those stated in that case as also for the reason that no particulars were furnished to him or to us about his alleged unsuitability for the post we direct that he be put in the departmental in-charge's grade with effect from the date on which he was reverted to the post of an ordinary clerk. The reinstatement should be made and the amount due to him, if any, should be paid within a month of this award being effective.

Prahlad Das Seth of the Agra Branch:

He is alleged to have been wrongfully dismissed on 3rd May 1949 without any reason being assigned or his explanation being called for. He was appointed a cashier in 1946 and confirmed in that year. The Bank states that his work was not satisfactory and the Bank's Treasurer who gave a guarantee for him withdrew his guarantee and that the Bank, therefore, terminated his services after giving him a month's salary. By their letter of the 11th January 1949 the Bank asked the permission of the Labour Commissioner to terminate his services and by a letter No. 4414/I.R.(1)41, dated the 14th February 1949 the Labour Commissioner granted permission for terminating his services. In the circumstances, we do not interfere.

Central Calcutta Bank Ltd.—

Raghuraj Singh of the Bareilly Branch:

He was a Head Clerk in the Rai Barcilli branch from 1945 upto the 31st December 1947 at a salary of Rs. 65, although under the Award of Mr. B. B. Singh he was entitled to Rs. 75 and in January 1948 he should have been entitled to draw Rs. 80. He applied for such increment and he was transferred to Bihar at a time when the Notification 4692(S.T.)/XVIII-142(S.T.)1948, dated the

31st July 1948, preventing transfers without the express permission in writing of the Chairman of the Conciliation Board was in force. He says that this was done with a view to avoiding the application of the award in his case. He was retrenched on 4th April 1949. The Bank has not appeared and Mr. Mehrotra states that the Bank is reported to have suspended payment. There is no order before us to show whether the Bank is still functioning or has been wound up. In the circumstances we make the order that the transfer order to Bihar shall be cancelled and that he shall be transferred back to the U. P. where the Award of Mr. B. B. Singh is in operation and be entitled to get the salary provided under the Award. This should be done within a month of the Award being effective.

Bharat Bank, Ltd.—

J. N. Mehra of the Allahabad Branch:

He was an employee at the Allahabad branch since 1943. It is alleged that he was an active member of the local Trade Union and as such along with two others represented the case of his co-workers before the Labour Commissioner, U. P., and that on account of this he incurred the displeasure of the management who transferred him to Udaipur without assigning any reason and terminated his service on the 20th November 1947. The Bank in its statement filed on the 17th December 1949 does not specifically deny the allegations made by him but states that at first his work was unsatisfactory but that afterwards he showed signs of improvement and the management promoted him to the post of an Assistant Accountant in December 1946. He was at Allahabad but at that time the necessity for abolishing one of the two posts of Assistant Accountants was felt and he being the junior it was decided to transfer him from Allahabad and as a post of an Assistant Accountant fell vacant at the Udaipur branch he was transferred there with a view to promoting him to the post of Accountant. This order was made on 7th July 1947 and immediately on receipt of this order he applied for 3 weeks' leave on the ground of his wife's illness. The Head Office declined to grant this leave and he was informed telegraphically to that effect but as he did not comply with the order his conduct, it is alleged, was viewed with disfavour by the Management. He was served with a notice to join duty on 30th July 1947 at Udaipur which he did on 1st August 1947. His services were terminated on 20th November 1947 on payment of 3 months' salary in lieu of notice according to the conditions of his service. The Bank has taken the objection that as he was a permanent member of the branch of the Bank in the Udaipur State at the time of the termination of his service, this Tribunal has no jurisdiction to interfere in his case. We over-rule this objection because the dispute really arose with the order of transfer. It appears that in compliance with the notice to join duty on the 30th July 1947 he did not join on that date but joined on 1st August 1947. Nothing has been produced on behalf of the Bank to show that any explanation was called for as to the delay of two days in joining his duty; and if this was the ground on which his service was terminated it is difficult to see why his services were terminated so late as the 20th November 1947. If, on the other hand, his flouting of the Head Office's orders and continuing to remain absent from duty was the ground for the termination of his service, it is not clear why he should have been asked to join duty by the 30th July 1947; that order suggests that the management condoned the alleged flouting of their orders. It seems to us that the reason assigned by the Bank is not the true reason for terminating his service; the true reason, may properly, in our opinion, be held to be his union activities. It is stated by him that this is a test case and he has not asked for any specific relief. On enquiry we came to learn that only lately, i.e., on 12th December 1949 he has succeeded in getting a job after near about 2 years of unemployment. He is, however, willing to join this Bank. We, therefore, direct his reinstatement if he be still so willing, within two months from the date on which this award becomes operative, and we further direct payment to him, within a month from such date, of his pay and allowances for six months immediately prior to his reinstatement.

Parmeshwar Din Misra of the Kanpur Branch:

He joined the Nayaganj branch as a Sub-Manager on 1st June 1944 and continued to be there upto 7th April 1947. He was promoted to the next higher grade for his efficient services on 8th April 1947 and posted at the Meston Road sub-branch where he performed double duties without any extra remuneration. There was a difference of opinion between him and the Manager Shiva Nand under whom he was working over certain matters which ended in his refusal, it is alleged, to file a false affidavit in connection with a case relating to the Nayaganj Branch Office. He was thereupon, it is alleged, wrongfully transferred from Meston Road to Delhi on 6th August 1948 without obtaining the permission required by the Notification of the U. P. Government No 4692, dated 31st July 1948, during the period of his convalescence after illness. This matter was referred to the Conciliation Board and his transfer was cancelled. He became ill and wanted leave but the Manager Shiva Nand refused to grant him leave and his services were terminated on 11th January 1949 again without obtaining the express permission of the Provincial Government. His designation was that of a Sub-Manager but in fact he was a workman having no power of an officer and he has been held to be so by Mr. R. S. Nimbkar, Chairman of the Conciliation Board and also so recognised by the Bank itself by seeking permission of the Labour Commissioner for terminating his service. It has also been contended on his behalf that even if he be considered to be an officer there can still be an industrial dispute and in support of the contention reference is made to *Western India Automobile Association v/s Industrial Tribunal, Bombay*, reported in Vol. 36, Federal Court (August 1949), page 111. He has claimed various reliefs, viz., reinstatement with full pay of Rs. 200 with increments of Rs. 60 (because he did not get any such increments) plus dearness allowance of Rs. 20 and house allowance of Rs. 80 from the date of the notice of the termination of his service, i.e., 8th January 1949, payment of Rs. 131-12-0 as conveyance charges and Rs. 8,500 for debts which he incurred for being out of employment. No reason having been assigned for the dismissal and no explanation having been called for, it has been contended that he is entitled to reinstatement as a matter of course, such dismissal being against the principle of natural justice. The Bank's case as disclosed in its statement is that in 1948 it was discovered that he was overcharging the Bank in respect of the conveyance allowance due to him, and that, therefore, he was transferred to Delhi. This case was referred to the Conciliation Board and at the suggestion of the Conciliation Officer, he was kept as a Relieving Officer at the Kanpur branch but he did not join there. On 4th September 1948, 11th September 1948, 18th September 1948, 18th October 1948 and 18th November 1948 he made applications for leave and it appeared to the Bank that either he was not willing to work unless he was given charge of an independent office or his health had been too much impaired. In the Bank's letter dated 8th January 1949, however, no such reasons were mentioned but it has been contended by the Bank that it was not necessary to mention any ground so long as a month's notice was given in lieu of salary. The matter of his dismissal came up before the Labour Commissioner as will appear from a letter dated the 13th April 1949 addressed by the Bank to the Labour Officer at Kanpur wherein it is stated, "We now propose to withdraw the dismissal order of Shri Misra and would instruct Shri Misra to resume his duty at Nayaganj Kanpur Branch. But as soon as he resumes his duty he will be serving a Charge Sheet on him calling for his explanation on certain points. But in the meantime as soon as the Charge Sheet is served on him we beg to seek your permission to suspend him. The first condition of the Charge Sheet would be that he is to give the replies of the points raised therein within 4 days of the receipt of the Charge Sheet. A copy of the Charge Sheet along with the replies of Shri Misra would be duly conveyed to you for your decision". The Labour Officer, therefore, recognised that the dismissal without any reason being assigned therefor or an explanation being called for could not be justified. There is nothing in the record to show what happened after the letter of the 13th April was written. Apparently the order of dismissal was not withdrawn. This order of dismissal,

in our opinion, is clearly wrongful, as he had no opportunity of offering any explanation to the Bank in respect of the matters alleged in the Bank's statement that influenced its decision to terminate his service. Apart from that it is not improbable that the real reason is his misunderstanding with the management and his approach to the Labour Commissioner. The objection of the Bank that he is an officer does not appear to us sustainable. Although his designation was that of a Sub-Manager he alleged that he had no duties and responsibilities of a directional or controlling nature and in his application he has given particulars to substantiate this allegation; and the Bank in its statement has specifically dealt with all his allegations but left undenied this allegation, merely contenting itself with relying on the designation. In these circumstances we are not prepared to attach importance merely to the designation. We, accordingly, direct his reinstatement and the payment to him of his pay and allowances from the date of his dismissal till reinstatement at the rates at which he was drawing them on 11th January 1949. We further direct that this direction shall be carried out within a month of the award being effective.

Birbal P. Rajbanshi and *Ravi Dutt Kuchal* of the Meerut Branch:

These are cases of wrongful transfers. As they happened after the 13th June 1949, we give no directions.

Madan Lal Sharma of the Hathras Branch:

He was appointed on 9th April 1947 as the chief cashier at Hathras on a salary of Rs. 60 plus Rs. 25 as dearness allowance. He was paid the same remuneration as is paid to the Assistant Cashiers. On 14th January 1948 he approached the Labour Commissioner for an increase of his salary under the Award of Mr. B. B. Singh, the minimum pay thereunder to which he would be entitled being Rs. 120. In March 1948 the Labour Commissioner took up the matter. On the 20th March 1948 the Treasurer demanded a security of Rs. 4,000 within a week from the said date because, it was said, "as reported to me several times there was shortage in cash handled by you in the Bank in the course of your duties" and he was informed that in the event of failure he would be obliged to withdraw his guarantee. On the 29th March 1948 he protested against this demand as no such security had been demanded from any one before and said that there had been no shortage in respect of the cash handled by him. In spite of that, however, he offered to give the security of his properties worth Rs. 10,000 or in the alternative to send a cheque for Rs. 500 as further security. But this offer was not accepted and on the 31st March 1948 his services were terminated on the plea that the security required had not been furnished. His case is that his services were terminated because the management was annoyed by reason of his approach to the Labour Commissioner. The Bank's case is that the Treasurer having wanted Rs. 4,000 security which he failed to furnish the Treasurer withdrew his guarantee and that, therefore, his services had to be terminated, which was done on payment to him of a month's salary in lieu of notice. Various other reasons have been mentioned in the Bank's statement, viz., he was reported to be negligent in his work and unamenable to office discipline. The letter of dismissal of the 31st March was addressed by Mr. Harilal Barmar of Messrs. Harilal Barmar & Sons, who are the Bank's Treasurers, and not by the Bank, and no reason was assigned therein other than his failure to "give the requisite deposit": it is also stated in the letter, "I terminate your service and send you a cheque for Rs. 60 on the Bharat Bank representing one month's salary in lieu of notice though as you are my employee you are not entitled to that amount even". Our attention has not been drawn to any instance in the Bank where the cashier is regarded as an employee of the Treasurer. He may give his guarantee to the Bank and on his recommendation he may be employed by the Bank which pays the salary and other emoluments; and it is the Bank that should, therefore, retain the power of dismissal. As far as we know that is the rule everywhere and except in the case of two Banks mentioned in the Report of the Conciliation Board (Banks) in U. P., viz., the Punjab National Bank, Ltd., and the United Provinces Provincial Co-operative Bank, Ltd., there is no evidence to show that any Bank's practice or rule is

different. The Treasurer's letter of dismissal appears to us to be an extraordinary piece of document. Mr. Mehrotra has stated that the security of the Treasurer is only for Rs. 4,000 and that, therefore, the demand of a security of Rs. 4,000 from this employee was merely a ruse for the purpose of getting rid of him because he had applied to the Labour Commissioner for increase of his salary. On the facts of this case we have little doubt that the Treasurer demanded the security, withdrew the guarantee and sent the letter of dismissal at the instance of the Bank as a retaliatory measure because of his application to the Labour Commissioner. We, therefore, direct his reinstatement as from the 1st April 1948 and the payment to him of the arrears of his emoluments from the date of his dismissal till the date of his reinstatement at the rate of Rs. 60 plus Rs. 25 as dearness allowance a month within a month from the date of the publication of this award.

Ghana Shiam Singh of the Roorkee Branch:

He was a clerk in the Roorkee branch. On 15th December 1948 he was asked to show cause why he should not be dismissed for failure to submit an explanation on the charges made in the letters addressed to him dated 13th October 1948 and 15th October 1948. The charges were that he had been absent without leave, that he had been negligent in his duties in that a heap of unfiled papers were found in the drawer of his desk and that he had made false entries in the pass book register. As he refused to submit any explanation the permission of the Labour Commissioner was sought and he was suspended on 15th December 1948 and he was again called upon to explain the charges against him. On 4th January 1949 he submitted an explanation the substance of which is that his leaving the office and not filing the letters and making the entries in the pass book were all done on the verbal permission of the Branch Manager. The Bank considered his explanation to be false and with the permission of the Labour Commissioner his services were terminated. We do not feel that we should make any order in this case.

Hindustan Commercial Bank, Ltd.—

Purnachand Mehrotra of the Allahabad Branch:

He joined as a cashier at Allahabad on 24th April 1947 and his services were terminated on 12th May 1949 without assigning any reason. The Bank's case is that there were three cashiers in the above branch, that for reasons of economy the number was required to be reduced to two and that as he was the juniormost cashier he was paid one month's salary and his services terminated. Mr. Misra on behalf of the employees has contended that if the services of an employee were to be terminated for such reasons, the juniormost cashier in the whole service should be made to go. The Treasurer has to give a guarantee for a cashier to the Bank. In this case there is only one treasurer for Allahabad and Pratapgarh under whom there are five cashiers in the two places and he was the juniormost of those five. If the juniormost cashier in any branch outside the jurisdiction of this particular treasurer is dispensed with and this employee is posted there, he may not be acceptable to the treasurer there. In our opinion, in view of these considerations the view that the juniormost man in the whole service in the category of cashiers should be made to go cannot be accepted. This is not a case of victimisation and we, therefore, do not propose to make any order.

Baikunth Nath of the Gorakhpur Branch:

He was appointed head cashier in 1948. He had two cashiers under him. In May 1949 the Bank changed his designation to that of cashier. The Bank does not object to giving him the designation of head cashier, and therefore, no further directions are necessary in this case.

Lachman Swarup of the Meerut City Branch:

The case is *sub judice* in a Magistrate's Court and we are unable to give any directions in this case at this stage.

Ramesh Chand Raisada of the Kanpur Branch:

Kailash Nath Bajpai of the Kalpi Road Branch:

J. N. Srivastava of the Hazratgunj Branch:

These cases are pending before the Conciliation Officer and, therefore, no order is called for.

K. L. Bhandari of Maurunipur Branch:

Mr. Mehrotra states that this is a case of non-implementation of an Award. There is no need, therefore, for the Tribunal to give any directions in this case.

K. C. SEN,
Chairman.

J. N. MAJUMDAR,
Member.

BOMBAY,
25th January 1950.

N. C. KUPPUSWAMI, Under Secy.

New Delhi, the 6th February 1950

No. LR-2(272).—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour No. LR-2 (212), dated the 18th June 1949, as subsequently amended, namely:—

In Schedule I to the said Order, under Group C of the list of Scheduled banks having branches in more than one province or state the words and figures "22. Habib Bank Ltd." shall be deleted, and under Group B of the List the words and figures "6. Habib Bank Ltd." shall be inserted at the end.

New Delhi, the 10th February 1950

No. LR-2(270)-I.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the All-India Industrial Tribunal (Bank Disputes) in the matter of alleged victimisation, wrongful dismissal, etc. in respect of Banking Companies in the Province of Bombay:—

BEFORE THE ALL-INDIA INDUSTRIAL TRIBUNAL
(BANK DISPUTES), BOMBAY
ADJUDICATION

BETWEEN

- (1) The Bank of Baroda, Ltd., Bombay,
- (2) The Habib Bank Ltd., Bombay,
- (3) The Chartered Bank of India, Australia and China Bombay,
- (4) The Hindustan Mercantile Bank Ltd., Bombay,

AND

- (1) Mr. E. G. Pingulkar,
- (2) Mr. S. Z. Kadri,
- (3) Mr. F. J. Patel,
- (4) Mr. D. G. Gokhale.

In the matter of alleged victimization, wrongful dismissal etc.

Appearances

Mr. B. K. Daphtary, for the Bank of Baroda, Ltd.

Mr. Tanubhai Desai, for the Habib Bank Ltd.

Mr. A. C. Beynon, for the Chartered Bank of India Australia and China.

Mr. N. V. Phadke with Mr. S. S. Dighe and Mr. G. N. Trikannad, for Messrs. Pingulkar, Kadri and Patel.

AWARD

Four cases of alleged victimization were set down for hearing at Bombay in December 1949, viz., those relating to (1) E. G. Pingulkar of the Bank of Baroda, (2) S. Z. Kadri of the Habib Bank, (3) F. J. Patel of the Chartered Bank of India, Australia and China and (4) D. G. Gokhale of the Hindustan Mercantile Bank. The fourth case was allowed to be withdrawn and the first, after having been heard for one day, was also allowed to be withdrawn. The third case had come before the Chairman as President of the Industrial Court, Bombay, and as it was alleged that he had given expression to certain views in connection with the case it was considered desirable that it should

be heard by some other Member and was, therefore, not heard by him. The only case that was fully argued on both sides was that of S. Z. Kadri of the Habib Bank.

2. The case of the Bank against Kadri was as follows. He was one of the three ledger keepers in the Savings Bank Department of the Bank, where eleven ledgers were maintained. Besides the routine balancing of the ledgers here used to be, once in a month, what is known as surprise balancing, that is, ledgers were assigned to the ledger keepers for balancing on a day which had not been previously fixed for such work. In April ledgers Nos. 1, 3, 5, 7 and 9 had been thus balanced. On the 19th May 1949 the Sub-Agent of the Mohamed Ali Road branch, Mr. Currim, issued orders that ledgers Nos. 2, 4, 6, 8, 10 and 11 were to be balanced by the three ledger keepers of the Savings Bank Department. Ledgers Nos 6 and 8 were assigned to Kadri, each of the other two also getting two ledgers to balance. Ledger No. 6 related to 297 accounts and ledger No. 8 to 370 accounts. The work of balancing consisted, mainly, in the jotting down of the balances of the accounts in the balance book, adding them up and seeing that the total balance tallied with the balance to be found in the extract book which is kept by the Accounts Department. In case a mistake was discovered the ledger keepers had to see how the mistake had originated and to rectify the same. Ledger keepers, on ordinary balancing days as well as on days when surprise balancing had to be done, did this work side by side with their ordinary work. The Circular referred to above was signed by Mr. Currim at about 10-30 A.M. and must have gone round to the ledger keepers in question including those of the Current Deposit Department. Formerly in the Savings Bank Department for some months two ledgers had been balanced by one ledger keeper and thus the work should not be considered excessive. On the 19th May, however, Kadri and the two other ledger keepers of the Savings Bank Department made an endorsement at the back of the Circular in question that they were "not in a position to balance two ledgers" as ordered. They were thereupon called by an officer named Broker who took them to the Accountant Mr. Desai. Both of them told them that they should finish the work assigned to them on that day. Thereafter Mr. Currim also sent for them and learnt from the other two ledger keepers—Kokatay and Kagalwala—that they had been forced by Kadri to sign the endorsement. He told them to finish the work on that day whereupon Kadri told him that he "did not want to balance two ledgers". Mr. Currim reminded him that they had done similar work in the past and that they would be paid for overtime work if they had to work beyond 5-30 P.M. Thereupon Kadri said that he did not want to earn overtime and that he was not going to sit in the office beyond 5-30 P.M. Mr. Currim stayed in his office till about 6-15 or 6-20 P.M. when he found that Kadri had already left office and that Kagalwala was still working. He went to Kadri's desk and he found that he had not finished even half the work relating to ledger No. 6 and had not taken up the work of ledger No. 8 at all. On the next day, the 20th May, Kadri's explanation for not finishing the work on the 19th May was called for and he was suspended. The explanation which Kadri gave was not found satisfactory by Mr. Currim and Kadri's services were dispensed with by an order made by him on the 23rd May.

3. The case sought to be made for Kadri was as follows. Formerly each ledger keeper was not given more than one ledger to balance on any day and to balance two ledgers in one day was physically impossible. On the 19th Kadri left office at 6 P.M. as he had urgent work at home. He, however, noted the time of his departure in the muster roll as 5-30 P.M. because one of the officers, Mr. Rajguru, had given instructions that employees should show that hour as the time of departure, irrespective of the time when they actually left the Bank. The whole case of Kadri is given in the explanation that he gave after the 20th May in which it was distinctly alleged that the three ledger keepers had found great difficulties in balancing two ledgers each on one day, that on the difficulties being pointed out to the Management they were promised that an additional clerk would be posted to the Savings Bank Department, that though this was repeated week after week it was never kept, that in spite of difficulties the ledger keepers went on doing the work of balancing two

ledgers, that on the 19th May he explained to the officers concerned their difficulties again, that he did the work to the best of his ability and as far as possible on that evening, leaving office at 6 P.M., that he had not the least intention of flouting or disobeying the orders of his superiors and that his desire was to bring home to them the difficulties experienced by the three ledger keepers. The Bank's reply to this explanation was that he had flatly refused to balance the ledgers and flouted the orders of the superiors and that the tone and the language of his letter he spoke impoliteness and insubordination. This, according to Kadri, amounted to taking an entirely unjustified view because all that he had attempted to show in his explanation was that he and his co-workers were balancing the ledgers under very great difficulties, that the Bank had never kept the promise of supplying an additional clerk and that if the management thought that he had flouted the authority he was really sorry for having given them any cause to think so. According to him the action taken against him must be attributed to the active part he took in the affairs of his Union; otherwise the extreme step of terminating his services would not have been taken by the management.

4. On behalf of the Bank it was pointed out that certain statements made by Kadri in his evidence were incorrect, for instance, when he applied for an appointment in the Bank he had stated wrongly that he had business at Ahmedabad, when, as a matter of fact, he was doing business at Bombay, and once he had sent his resignation for alleged reasons of health, when he stated in his evidence that his reason for resigning his post was his intention to take up independent business. It was also pointed out that the reason he gave in his evidence for leaving the office at 6 P.M. on the 19th May was that he had urgent work at home, while neither in his letter of explanation nor in the application made on his behalf has it been stated that that was the reason why he had left office at that hour. It was suggested that this explanation was an afterthought.

5. On the other hand, several statements have been made by Mr. Currim which, according to Mr. Phadke who appeared for Kadri, were either deliberately false statements or grossly inaccurate allegations. Mr. Currim said that on the 19th May he kept a watch on the movements of the ledger keepers and noticed Kadri leaving office at 5-30 P.M. and that half an hour later he himself saw that not even half of the jottings of ledger No. 6 had been written down. This statement is inconsistent with what was stated in his letter to Kadri dated the 20th May, namely, that he had been observed by Mr. A. C. Broker on the 20th that he had not completed ledger No. 6. Here there was no statement that he himself had seen ledger No. 6 and that this inspection had been made on the 19th and not on the 20th May. Secondly, the case sought to be made out in the written statement of the Bank was that on the 19th May not only the jottings but also the totalling and balancing had to be done on the same day, while in the evidence given by Mr. Currim it was stated that only jotting of the two ledgers had to be done on that day. This is a patent incongruity and Mr. Currim has not been able to explain it. He has admitted that Mr. Bijoor, Deputy General Manager of the Bank, who signed the written statement had got all the information regarding this case from him and from the relevant papers. Thirdly, according to Mr. Currim he signed the Circular on the 19th May at about 10-30 A.M. and the practice of the ledger keepers was to start making the jottings in the morning, correcting some of them later on if any transactions relating to the jottings already made took place on that day. On the 19th May there was such a transaction, viz., a debit of Rs. 195 relating to ledger No. 6, the hour at which the voucher relating to the transaction was posted being shown as 3-30 P.M. and the folio number being given as 53. There can be little doubt that in the course of the jotting that folio would be reached before 3-30 P.M. if the work of jotting had commenced in the morning, and that, therefore, according to the practice stated by Mr. Currim, the entry made in ledger No. 6 relating to the relevant account would be found scratched out and corrected. But, as a matter of fact, it is found that none of the jottings made relating to ledger No. 6 were scored out on the 19th

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May. According to Kadri he received the Circular at about 3 P.M. and he began the work of jotting at about 5 P.M.; this statement accords more with the facts than the case sought to be made out on behalf of the Bank. Fourthly, Kagalwala has said that on the 19th May he stayed in the office till about 7-30 P.M., though he wrote 6 P.M. as time of departure on the muster roll. Mr. Currim himself said that he saw him working till 6-20 P.M., yet we find that the time of Kagalwala's departure given on the muster roll is 6 P.M. Both Kadri and Kagalwala (the latter having been called as witness of the Bank) have stated that Mr. Rajguru had told them to show an earlier hour as the time of departure. This hour, according to Kadri, is 5-30 P.M. and according to Kagalwala 6 P.M. Most of the entries in the muster roll show 5-30 P.M. as the time of departure of the clerks. This renders the statement of the two ledger keepers very probable that they were instructed by somebody in the office to note an earlier hour than the actual time of departure in the muster roll. If that was so, it is extremely probable that Mr. Currim must have known that such instructions had been given. Mr. Currim, however, has said that he was unaware of any such instructions having been given. Fifthly, according to both the ledger keepers who were examined the management had promised an additional hand for the Savings Bank Department to assist the work of the three ledger keepers, there having been formerly five ledger keepers in the department. This was denied by the Bank, but though this statement was made expressly in Kadri's explanation when he was called upon to explain his conduct, in the reply given by the Bank there is no mention or denial of the statement. It has, further, been admitted by Mr. Currim that formerly up to about December 1948 the ledger keepers used to be given only one ledger to balance and that thereafter each of them had to do work in respect of two ledgers, when the number of ledger keepers was reduced from 5 to 3. It seems very likely that there were protests from ledger keepers and this is rendered more probable by the fact that on the 19th May the three ledger keepers signed an endorsement stating that they would not be in a position to balance two ledgers each. Kagalwala who, as I have already stated, was examined on behalf of the Bank, also has spoken about the promise made by the Bank to supply an additional hand. It seems to us extremely probable, in view of these circumstances, that such a promise was made by the Bank. Sixthly, according to Mr. Currim both Kokatay and Kagalwala told him on the 19th May that they had been forced by Kadri to sign the endorsement and that he took a serious view of the matter; yet no mention of this matter is to be found either in the Bank's letter addressed to Kadri on the 23rd May or in the Bank's written statement, and the action taken was not based on this ground. It seems probable, therefore, that there is no foundation for the statement made by Mr. Currim on this point. Seventhly, Mr. Currim has said that he had no knowledge of the part taken by Kadri in Union activities. If he found both Kokatay and Kagalwala alleging that they had been forced by Kadri to sign the endorsement it would be extremely probable that he would enquire how Kadri had come to acquire so much influence over them, and he would at least suspect that this influence was derived from his connection with the Union's activities. Kadri's connection with the Union has not been denied, and it seems very improbable that he did not know of this connection. Eighthly, Mr. Krishnamurthy, an Assistant in the Indian Bank, Bombay Branch, who was examined on behalf of the Bank, has stated that usually in his Bank the balancing work starts at 3 or 4 P.M. and goes on till 6 P.M. It seems highly probable, that such was the practice in the Habib Bank also; this seems to be indicated by the small number of scorings or scratchings in the jottings in such ledgers that were balanced as have been examined by us. The statement of Mr. Currim that this work begins from the morning thus appears to be somewhat improbable. Ninthly, Mr. Currim had said that when he went to inspect Kadri's work on the 19th May he found that not even half of the ledger No. 6 had been written. On looking at the jottings made in the said ledger, it is, however, found that all of them are in Kadri's handwriting and it seems, therefore, that Kadri when he left office had finished all the jottings in that ledger, though Kadri seems to have adopted the Bank's statement for his

own purpose, *viz.*, in order to show that the work was excessive. It seems very unlikely that Kadri, who received the letter by which he was suspended and whose explanation was called for on the morning of the 20th, did any work on ledger No. 6 on that day.

6. The Bank has called two Assistants, one from the Central Bank of India and the other from the Indian Bank Bombay Branch, to show that the work assigned to the three ledger keepers was not excessive. The Assistant of the Central Bank had stated that the practice in his Bank is to give two ledgers to each ledger keeper to balance, while the Assistant of the Indian Bank has stated that in his Bank only one ledger is given to a ledger keeper. It has been admitted that from about December 1948 two ledgers began to be given to each ledger keeper and that the number of ledger keepers was also reduced about the same time. We have already stated that this would normally evoke protests from the ledger keepers; and it is, therefore, very probable that in order to keep them quiet the Bank promised that one more hand would be given to assist them. If such promise was not kept that would constitute a legitimate grievance for the ledger keepers. If that was so, the case set out in Kadri's explanation and the case sought to be made out in the statement of the Federation of Bank Employees, appears to us extremely probable. Of the two versions we would regard this case as the true one because otherwise it is difficult to account why all of a sudden Kadri would decide to flout the authority of the management and not to do the work which he had been doing regularly in the past. The case for the Bank is based on the argument that the balancing work was part of the normal duties of a ledger keeper and that as the work that was assigned was not done it constituted disobedience on the part of Kadri. But as we have already stated, the case which was set out in Kadri's explanation appears to be true and should have been duly considered by the Bank. That was not done, and it seems to us that the charge against him of deliberate or wilful disobedience and impoliteness has not been substantiated. In spite of the apology given by Kadri in his letter that apology was not accepted by Mr. Currim. That the endorsement which was signed by the three ledger keepers was not liked by Mr. Currim is shown by the fact that he scored out in red pencil Kagalwala's signature himself. That being so, it seems unlikely that he did not enquire of Kadri's connection with the Union or that he did not know it. According to both Kadri and Kagalwala, after two ledgers began to be given to them they could not finish the work on the first day and used to come early on the next working day to complete the work. It seems to us that this is very probably what used to take place. If Mr. Currim found out even on the morning of the 20th May that Kadri had not finished his work and if he wanted to use it as a pretext, he would certainly give the letter of 20th May to Kadri as soon as, or very shortly after he appeared at the Bank on that day. In our opinion the discharge of Kadri was not really for not finishing the work but must have been based on ulterior reasons, and this, therefore, is a genuine case of victimization. The *mala fides* of the Bank is shown in paragraph 5 of its written statement which was signed by Mr. Bijoor, who, according to Mr. Currim, fully knew the practice obtaining in the Savings Bank Department. There a deliberate attempt has been made to suggest, contrary to what seems to have been the practice, that not only jottings but also the work of totalling and the comparing of totals was to be done on the first day. Again, at the hearing it was said that even if Kadri was reinstated he might be one of those who would have to be retrenched by the Bank. Such a statement was unnecessary for the purposes of the hearing and suggests a distinct animus against Kadri on the part of the Bank authorities.

7. It was suggested that this was a case of discharge under standing order No. 20 for which no elaborate procedure, as laid down in the case of misconduct, has been prescribed and that the Tribunal has no jurisdiction or right to go elaborately into the facts. We cannot accept this argument, for the Tribunal has to see whether the discharge is a case of just or unjust discharge, that is, one justified by the facts. It seems to us that in this case the proper order would be that Kadri should be reinstated with effect from the date on which he was discharged and that

he is entitled also to such emoluments as he would have earned if he had not been discharged. We direct accordingly.

K. C. SEN,
Chairman.
J. N. MAJUMDAR,
Member.

BOMBAY,
23rd January 1950.

New Delhi, the 11th February 1950

No. LR.2(182).—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Central Government Industrial Tribunal at Calcutta in the industrial dispute between the Bakhtiarpur Bihar Light Railway, Patna, and their workmen:—

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

REFERENCE NO. 3 OF 1949

Before F. Jeejeebhoy, Barrister-at-Law, Chairman

PARTIES

The Workmen employed in the Bakhtiarpur-Bihar Light Railway, Patna,

and

Their Employers.

APPEARANCES:

For the Workmen: Sri Viswanath Varma, President of the Union, with Sri J. N. Mitra and Sri N. K. Rai Chaudhury.

For the Company: Mr. M. Yunus, Chairman of the Company, with him Mr. A. Aleem and Mr. A. S. Ismailee, Counsel.

AWARD

By Notification of the Government of India, No. LR 2- (182), dated the 27th July 1949, the industrial dispute between the Bakhtiarpur Bihar Light Railway, Patna, and its workmen was referred to this Tribunal for adjudication

This Railway was being previously managed by Martin & Co as Managing Agents, from whom it was taken over by the present management. The issues which have been raised in this Reference are the same as the issues raised in the Martin Light Railways Reference (Reference No. 2 of 1949 of this Tribunal), plus certain other issues which are individual to this case.

Parties have agreed before me that the terms of my award in the Martin's Light Railways dispute shall apply to all similar matters raised in this Reference, and it is ordered accordingly. To this the employers have made one reservation, namely, that they cannot bind themselves for future fresh appointments to the terms of that award; but such reservation is obviously worthless in the context of the present fixation of the wage structure of this concern

The additional issues framed are the following:—

ISSUES:

(1) Was the recovery by the employers of overtime allowance paid for January and February 1949 from the following 12 (Twelve) persons wrongful? If so, what orders should be passed:

- (a) Mr. S. A. Qadir, Accountant.
- (b) Mr. N. K. Bose, O/S.
- (c) Mr. P. K. Bose, L. and E. clerk.
- (d) Mr. M. I. Mallick, E/C
- (e) Mr. Sh. M. Ahson, D/C.
- (f) Mr. Md. Yunus, Typist.
- (g) Mr. M. Zakee, Clerk.
- (h) Mr. S. A. Ali, Clerk.
- (i) Mr. S. Ainul Hasan, Clerk.
- (j) Mr. Md. Mobinul Haque, Clerk.

(k) Wali Ahmad, Peon.

(l) Mohd. Usman, Daftary.

(2) Did the employers in April 1949 reduce the salaries of the following 12 (Twelve) employees of the Head Office by Rs. 10? If so, was such reduction wrongful and what relief should be granted:

- (a) Mr. Fazilat Karim,
- (b) Mr. Shah Md. Ahsan,
- (c) Mr. Md. Idris Mullick,
- (d) Mr. Ainul Husan,
- (e) Mr. Md. Zaki,
- (f) Mohd. Mohsin,
- (g) Md. Salim,
- (h) Abdul Rahman,
- (i) Baldeo Persad,
- (j) Wali Mohammad,
- (k) Md. Karim,
- (l) Lala.

(3) Was Mr. N. K. Bose discharged by the employers and was such discharge the result of an unfair labour practice? If so, to what relief is he entitled?

(4) Were the 8 (Eight) persons mentioned in paragraph 13 of the statement of claim subjected to the orders stated against each of their names? Were such orders issued as a result of an unfair labour practice, and if so, to what relief are they respectively entitled?

(5) Is the Provident Fund of the Company adequately safeguarded, or should the Tribunal give any direction in that regard?

(6) Are the activities of Mr. S. N. Sinha, the Information Officer of the Company, directed towards disrupting the Union, and, if so, should any order be made concerning him?

(7) Are the workmen harassed by needless delays in the payment of their dues by Mr. Sabarwal, the Chief Accounts Officer, and, if so, to what relief are they entitled?

(8) Should any orders be passed concerning the Standing Orders of this concern?

Issues 1 and 2 are no longer effective as the employers, without prejudice to their contentions, have removed the basis of the disputes involved in these two issues.

Issue No. 3.—The parties have agreed that Sri N. K. Bose shall be given a clean discharge certificate by the owners, saying that they have nothing against him, so that his services in Martins may not be affected; he will be paid everything due to him upto the date on which he rejoined Martins. It is agreed that the owners shall give to Sri N. K. Bose a letter addressed to the management of Martin's Light Railways in following terms:

"With reference to Mr. N. K. Bose, who came to us from your firm and has now re-joined you, we are asked to forward you information as to the date of his appointment with us and the date on which he left us. He joined our service on 16th December 1948 and left us on 10th May 1949. His salary in all was Rs. 167 per month and he has been paid all his dues from the date he left us till he rejoined you on 4th August 1949. We hereby give him a discharge certificate and state that we have nothing against him, and we trust that the continuity of his service will not be affected."

Simultaneously, in consideration of the above, Sri N. K. Bose states that he has no claim whatever against the owners in respect of matters raised in this Reference concerning him.

Issue No. 4.—As to the eight persons concerned in this issue, the employees have submitted the following particulars on which the case against the owners is based:

- (1) *Md. Zubair, Ticket Collector.*—Discharged on 4th July 1949. No charge sheet was issued against him.
- (2) *Nissar Ahmed, Stenographer.*—Discharged. The allegation was that he was 'Kutchra' but no charge sheet was issued.

- (3) *General Manager's Jeep Car Driver Salim.*—Discharged on the pretext that the new General Manager had his own car and driver. But immediately after one person has been appointed as a Diesel Engine Driver. As usual no charge sheet was also drawn.
- (4) *Office Peon, Md. Karim.*—Discharged without a charge sheet.
- (5) *Md. Yunus, Typist.*—Discharged on 8th August 1949 without a charge sheet, i.e., after the Tribunal's appointment was announced.
- (6) *Jabbar, Fireman.*—Suspended on 9th August 1949. Charge sheet was issued in this case but no time was given for offering explanation.
- (7) *B. P. Srivastava, Acting Guard.*—Reverted to Booking Clerk on 10th August 1949. No charge sheet given. This man is the Joint Secretary of the B. B. Light Railway Branch Committee of the Union.
- (8) *Rajendra Prasad, Booking Clerk.*—Transferred to less important station on 10th August 1949 for no reason.

(1) As regards this employee, the owners state that he was on probation, and that there were charges against him; they give assurance that if he appeals to the management, his case will be sympathetically considered. The Union is agreeable to this, and request the management to re-instate him with back salary. In view of the management's undertaking and the Union's attitude, no orders by the Tribunal are necessary.

(2), (3), (4), (5) and (6).—As to these persons, the employees desire to leave it to the management to do justice to them, and no orders of the Tribunal are sought.

(7) As to this employee, the owners state that he has not been reverted, and will be confirmed when a vacancy occurs, and in his turn. The employees accept this assurance.

(8) The case of this employee has not been pressed.

Issue No. 5.—This concern has been taken over from the management of the Martin & Co., who were the previous Managing Agents, but the Provident Fund of the employees has not yet been transferred to new Trustees. I am told that there is a trust deed for the management and protection of the Provident Fund and that negotiations are now afoot with the Martin & Co. for the execution of a fresh trust deed and for the transfer of the assets of the Provident Fund to new trustees. In the meantime the Provident Fund moneys have been accumulating with the new management and have been kept in the Imperial Bank at Patna.

I direct that early steps be taken to vest the Provident Fund in proper trustees for the benefit of the subscribers of the fund; that the terms of the Provident Fund shall not be altered to the detriment of the subscribers; and that the trust deed do provide for the appointment of responsible trustees to take charge of and manage the Provident Fund; and in this connection it is agreed that one of the trustees shall be an employee subscribing to the Provident Fund, in normal course to be nominated by the Union, and to be accepted by the management as a Trustee unless he is manifestly unsuitable for such appointment. The trust deed shall provide that all current moneys, securities, documents of title, and valuables of the Provident Fund shall be deposited in and shall remain at all times in the custody of the Imperial Bank. It is also ordered that all moneys accumulated with the present management on account of the Provident Fund, and all moneys to accrue to the fund until the new trustees are duly vested with the Provident Fund, shall be kept deposited in the Imperial Bank of India at Patna in an account to be designated "the Provident Fund Account". It is ordered that each workman shall receive in the first week of January every year a statement of his Provident Fund Account.

Issue No. 6.—The parties have agreed, in settlement of this issue, that the Information Officer shall in future be designated as "Information and Labour Officer".

Issue No. 7.—A great deal of time was wasted by the employees by their taking adjournments in order to produce evidence, by affidavit or otherwise, in support of

this issue; no such evidence was produced although every opportunity was given for the purpose; ultimately the employees abandoned this issue, which is therefore answered in the negative. It follows that the allegations against Mr. Sabarwal must be deemed to have been withdrawn.

Issue No. 8.—The parties agree that the Central Government's Model Standing Orders shall apply to this concern.

NOW, THEREFORE, THIS TRIBUNAL MAKES ITS AWARD IN TERMS AFORESAID, THIS THE FIRST DAY OF FEBRUARY 1950.

F. JEEJEEBHoy,
Chairman,

Central Government Industrial Tribunal, Calcutta.

No. Fac.73(6).—In exercise of the powers conferred by section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), read with rule 8 of the Dock Workers (Advisory Committee) Rules, 1949, the Central Government is pleased to constitute an Advisory Committee, consisting of the following members, namely:—

Government representatives

- (1) Mr. Jaleshwar Prasad, Chief Labour Commissioner, Ministry of Labour, *Chairman*.
- (2) Mr. J. K. Atal, I.C.S., Deputy Secretary, Ministry of Transport.
- (3) Mr. A. S. Iyengar, Labour Commissioner, Bombay.
- (4) Mr. C. G. Reddi, Labour Commissioner, Madras.
- (5) Mr. S. K. Halidar, I.C.S., Labour Commissioner, Calcutta.

Representatives of employers of Dock Workers

- (1) Mr. L. T. Gholap, I.C.S., Chairman, Port Trust, Bombay.
- (2) Mr. M. S. Venkatarman, Traffic Manager, Port Trust, Madras.
- (3) Mr. L. M. Hogan, Deputy Docks Manager (Labour), Port Commissioner, Calcutta.
- (4) Mr. K. A. Dubash, Representative of the Bombay Stevedores' Association, Bombay.
- (5) Mr. K. C. Mukherjee, Representative of the Master Stevedores' Association, Calcutta.

Representatives of Dock Workers

- (1) Mr. Bidesh Kulkarni, National Dock Workers' Union, Bombay.
 - (2) Mr. Dajee Kambli, H.M.I. Dockyard Workers' Union, Bombay.
 - (3) Mr. Ziauddin Ahmed, President, Calcutta Dockers' Union, Calcutta.
 - (4) Mr. A. C. Banerjee, President, Calcutta Port Trust, Mazdoor Panchayat, Calcutta.
 - (5) Mr. S. Guruswami, The Madras Harbour Dock Workers' Union, Madras,
- and to nominate Mr. Jaleshwar Prasad, Chief Labour Commissioner as the Chairman of the said Advisory Committee.

No. M.1(150).—The following draft of an amendment which it is proposed to make in rule 9 of the Coal Mines Labour Welfare Fund Rules, 1949, in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), is published, as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th March 1950.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In rule 9, for the words "each meeting" the words "each day of a meeting or meetings" shall be substituted.

No. Fac.73(10).—In exercise of the powers conferred by sub-section (5) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central

Government is pleased to direct that the following amendment shall be made in the Dock Workers (Advisory Committee) Rules, 1949, namely:—

For sub-rule (2) of rule 3 of the said rules, the following sub-rule shall be substituted, namely:—

“(2) five members representing the employers of dock workers, three of whom shall be appointed on the recommendation, respectively, of the Bombay Port Trust, the Madras Port Trust and the Port Commissioners of Calcutta and the remaining two in consultation with such organisations of stevedores at Bombay and Calcutta as the Central Government may consider appropriate; and.”

ORDERS

New Delhi, the 10th February 1950

No. LR-2(270)-II.—Whereas by an order of the Central Government in the Ministry of Labour, No. LR-2(212)-II, dated the 18th June 1949, the industrial dispute between banking companies and employees was referred to the All-India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the award of the said Tribunal in the matter of alleged victimisation wrongful dismissal, etc., in respect of Banking Companies in the province of Bombay has been published by the Central Government in a notification of

the Ministry of Labour, No. LR-2(270)-I, dated the 9th February 1950;

Now, therefore, in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

New Delhi, the 8th February 1950

No. LR-2(271)/II.—Whereas by an Order of the Central Government in the Ministry of Labour No. LR-2(212), dated the 18th June 1949, the industrial dispute between banking companies and their employees was referred to the All India Industrial Tribunal (Bank Disputes) for adjudication;

And whereas the award of the said Tribunal in the matter of alleged victimisation, wrongful dismissal, etc., in respect of Banking Companies in Uttar Pradesh has been published in a notification of the Ministry of Labour, No. LR-2(271)-I, dated the 7th February 1950;

Now therefore, in exercise of the powers conferred by sections 15 and 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the said award shall be binding for a period of one year.

S. C. AGGARWAL, Dy. Secy.

